

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

## ORDER

Upon the Motion of the plaintiff Securities and Exchange Commission (the “Commission”) for an Order:

1. Directing the Clerk of Court to (a) transfer funds in the Court Registry to a non-interest bearing account; (b) prepare and mail checks to eligible claimants; (c) retain the Registry Fee, consisting of 10 percent of the Court Registry fund; and (d) transfer the remaining funds to the Commission;

2. Authorizing the Commission, upon receipt of the remaining funds from the Clerk of Court, to pay the fees and expenses of the Tax Administrator and to remit the balance to the United States Treasury;
3. Directing that any future payments be made to the Commission to be remitted to the United States Treasury;
4. Directing the Distribution Agent to file a final report and accounting;
5. Directing the Distribution Agent, or other representative of the Commission, following the submission of the final report and accounting, to file with the Court an annual report of all payments made to the Commission pursuant to the Final Judgments, including the amounts paid, the dates of payments, and the name of the payor; and
6. Granting such other and further relief as may appear just and proper,

NOW, THEREFORE, it appearing that such motion (Docket No. 257) should be granted, it is hereby:

**ORDERED**, that the Commission's motion (Docket No. 257) is GRANTED.

**AND IT IS FURTHER ORDERED**, that the Clerk of Court is directed to (a) transfer funds in the Court Registry to a non-interest bearing account within the Court Registry; (b) prepare and mail checks to Eligible Claimants as identified by the Commission, using addressed, stamped envelopes provided by the Commission; (c) following such mailing, the Clerk of Court shall retain the Registry Fee of 10 percent of the interest earned on the funds deposited in the Court Registry; and (d) transfer the remaining funds in the non-interest bearing account to the Commission.

**AND IT IS FURTHER ORDERED**, that upon receipt of such funds from the Court Registry, the Commission's Office of Financial Management shall pay from those funds the final fees and expenses of the Tax Administrator appointed by the Court.

**AND IT IS FURTHER ORDERED**, that following the payment of the fees and expenses of the Tax Administrator, the Commission's Office of Financial Management shall remit all remaining funds to the United States Treasury.

**AND IT IS FURTHER ORDERED**, that any future payments made on the Final Judgments entered in this action shall be made, not to the Clerk of Court, but instead as follows: Defendants and Relief Defendants may transmit payments electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendants and Relief Defendants may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Defendant's and Relief Defendant's name as a defendant or relief defendant in this action; and specifying that payment is made pursuant to the Final Judgment. Defendants and Relief Defendants shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendants and Relief Defendants relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendants and Relief Defendants. The

Commission shall send the funds paid pursuant to the Final Judgment to the United States Treasury.

**AND IT IS FURTHER ORDERED**, that the Distribution Agent shall file a final report and accounting upon the completion of the foregoing.

**AND IT IS FURTHER ORDERED**, that, following the submission of the final report and accounting, the Distribution Agent, or other representative of the Commission, shall file with the Court an annual report of all payments made to the Commission by any Defendant or Relief Defendant pursuant to the Final Judgments, including the amounts paid, the dates of payments, and the name of the payor.

**AND IT IS FURTHER ORDERED**, that the Final Judgments entered in this action against the Defendants and Relief Defendants remain in full force and effect.

Dated:                   Buffalo, New York  
                          May 12, 2016

/s/William M. Skretny  
WILLIAM M. SKRETNY  
UNITED STATES DISTRICT JUDGE